

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 18 CR 0123
)	
Plaintiff,)	JUDGE JOHN ADAMS
)	
v.)	
)	<u>JOINT MOTION TO DECLARE THE CASE COMPLEX AND MOTION FOR A CONTINUANCE OF SIXTY DAYS</u>
BIN WANG,)	
)	
Defendant.)	

Now come the Government and counsel for Defendant Bin Wang and jointly move the Court to declare this matter a complex case pursuant to 18 U.S.C. §3161(h)(7)(A) & (B)(i), (ii). Additionally, counsel move for a continuance of 60 days of all matters herein.

This motion is made upon the following facts:

The defendant is charged with drug trafficking and related criminal offenses. The government recently provided the defendant's attorney with a hard drive containing approximately 1.5 terabytes of discovery consisting of documentation, telephone logs, digital evidence, audio and visual recordings, recorded interrogations and other materials. Counsel must review all available materials, share them with the defendant, and investigate all possible factual and legal defenses in preparation of this matter. Said preparation will require more time than the normal time required to prepare a criminal matter for trial. A miscarriage of justice may occur if this matter were to proceed within the statutory periods allotted. Additionally, absent a continuance, defense counsel will be unable to render the effective assistance of counsel as guaranteed the defendant under the Sixth Amendment to the United States Constitution.

18 U.S.C. §3161(h)(7)(A) & (B)(i), (ii) exclude periods of delay as follows:

(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

Wherefore, for good cause shown the undersigned respectfully request that this Court declare this matter a complex case, and make a finding, pursuant to 18 U.S.C. §3161(h)(7)(A), that the ends of justice will be best served by granting a continuance of 60 days, that said continuance outweighs the public interest in a speedy trial, and pursuant to §3161(h)(7)(B), failure to grant a continuance will be likely to result in a miscarriage of justice.

Respectfully submitted,

/s/ Matthew J. Cronin
Matthew J. Cronin (VA: 80267)
Assistant U.S. Attorney
United States Court House

801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3955
(216) 522-8355 (facsimile)
Matthew.Cronin@usdoj.gov

and,

/s/ Mark R. Devan
MARK R. DeVAN (0003339)
mdevan@bgmdlaw.com
BERKMAN, GORDON, MURRAY & DeVAN
55 Public Square, Suite 2200
Cleveland, Ohio 44113-1949
Telephone: (216) 781-5245
Facsimile: (216) 781-8207

Attorney for Defendant Bin Wang

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, the foregoing Joint Motion to Declare the Case Complex and Motion for a Continuance of Sixty Days was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Mark R. Devan
MARK R. DeVAN (0003339)
BERKMAN, GORDON, MURRAY & DeVAN

Attorney for Defendant Bin Wang